REMARKS

Claims 1, 4-8, 13-17, and 19-21 are all the claims presently pending in the application. New claim 21 has been added to more completely define the invention. Claims 2-3, 9,11-12, and 18 have been canceled without prejudice or disclaimer.

Claims 6-8, 15-17 and 20 stand rejected under §112, second paragraph as being indefinite. The claims have been amended above to overcome this rejection.

It is noted that the claims have been amended solely to more particularly point out Applicant's invention for the Examiner, and not for distinguishing over the prior art, narrowing the claim in view of the prior art, or for statutory requirements directed to patentability.

It is further noted that, notwithstanding any claim amendments made herein, Applicant's intent is to encompass equivalents of all claim elements, even if amended herein or later during prosecution.

Attached hereto is a marked-up version of the changes made to the Specification and/or claims by the current Amendment. The attached pages are captioned "**Version with markings to show changes made**".

Claims 1, 4-8, 10, 13-17, 19-20 have stand rejected under 35 U.S.C. § 102(a) as being anticipated by Kanari, et al. (U.S. Patent No. 6,234,697) (hereinafter "Kanari").

This rejection is respectfully traversed in view of the following discussion.

I. THE CLAIMED INVENTION

Applicant's invention, as defined for example in a non-limiting embodiment of independent claim 1 (and substantially similarly by independent claim 10) is directed to a mechanical pencil including a barrel, a lead feeding mechanism disposed in the barrel, and a lead holder disposed between the lead feeding mechanism and a tip end of the barrel, the lead holder having a through hole through which the lead penetrates and having holding portions for holding the lead and a contact portion for contacting an inner peripheral face of the barrel.

A feature of the present invention is that the holding portions include a first holding portion at a front portion of the lead holder and a second holding portion at a rear portion of

the lead holder. When the preceding lead becomes shorter than a distance between the lead feeding mechanism and the tip end of the barrel, the first holding portion of the lead holder holds the short preceding lead and the second holding portion of the lead holder holds a next lead.

With such features, a length of remainder lead can be decreased significantly.

The conventional systems, such as those discussed below and in the Related Art section of the present application, do not have such a structure, and fail to provide for such an operation (e.g., see page 7, lines 9-25 and page 8, lines 1-11 of the present application).

Such features are not taught or suggested by the cited reference.

II. THE PRIOR ART REFERENCE

A. The Kanari Reference

The Examiner asserts that Kanari anticipates the present invention. However, Applicant respectfully disagrees and submits that such assertions are erroneous.

Firstly, as shown in Fig. 1 of Kanari, when the preceding lead becomes shorter than a distance between the lead feeding mechanism and the tip end of said barrel, the preceding lead is held by the lead-holding member 36 and a space 47 is formed between the rear end of the preceding lead 22a and the tip end of the next lead 22b (e.g., see column 3, line 63 to column 5, line 4 of Kanari).

When a writing operation is conducted in this state, because the frictional resistance of the slider-resisting member 46 is smaller than the frictional resistance of the lead-holder member 36 or is lost in the zone corresponding to the return amount of the lead, the preceding lead 22a returns together with the slider 44 while the lead 22 is held by the lead-holder member 36 without slipping within the lead-holding member 36, and the rear end of the preceding lead 22a abuts on the front end of the next portion 22a (e.g., see column 5, lines 4-15 of Kanari). As apparent from these descriptions and the drawings of Kanari, the lead-holder member 36 only holds a preceding lead.

In the present invention, when the preceding lead becomes shorter than a distance

between the lead feeding mechanism and the tip end of the barrel, the first holding portion of the lead holder holds the short preceding lead and the second holding portion of the lead holder holds a next lead.

In Kanari, the lead-holding member 36 has two lead-holding portions 52 disposed at opposite end portions of the lead hole 40 for contacting and frictionally holding the lead 22, and an intermediate portion 54 disposed between the lead-holding portions 52. Also, in Kanari, the entire length of the lead hole 40 may be configured as a lead-holding portion for contacting and frictionally holding the lead 22 (e.g., see column 4, lines 48-53 of Kanari). Thus, from the description of Kanari, it is clear that the two lead-holding portions 52 are not essential to Kanari, and certainly do not teach or suggest the claimed invention.

Also, in Kanari there is no teaching or suggestion that the two lead-holding portions 52 respectively hold different leads (e.g., a preceding lead and a next lead). In addition, in Kanari three parts (e.g., lead-holding member 36, the slider 44 and the slider-resisting member 46) are necessary for adjusting the friction force corresponding to the position of the slider 44.

In contrast, in the present invention, it is not necessary to change the friction force corresponding to the position of the lead holder. Instead, the lead holder can be configured integrally and the number of parts can be reduced.

Hence, turning to the clear language of the claims, there is no teaching or suggestion of "*[a] mechanical pencil, comprising:*

a barrel;

a lead feeding mechanism disposed in said barrel to be adapted to tighten and feed a lead; and

a lead holder disposed between the lead feeding mechanism and a tip end of said barrel, said lead holder having a through hole through which the lead penetrates and having holding portions for holding the lead and a contact portion for contacting an inner peripheral face of the barrel,

said holding portions including a first holding portion at a front portion of the lead holder and a second holding portion at a rear portion of the lead holder so that when a length of the lead becomes shorter than a distance between the lead feeding mechanism and the tip end of said barrel, said first holding portion holds the short lead and said second

holding portion holds a next lead tightened by the lead feeding mechanism" (emphasis Applicant's).

For the reasons stated above, independent claim 1 (and substantially similarly independent claim 10) of the claimed invention are fully patentable over Kanari.

Further, dependent claims 4-8, 13-17, and 19-20 when taken in combination with claims 1 and 10 define additional novel limitations.

For the reasons stated above, the claimed invention is fully patentable over the cited reference.

III. FORMAL MATTERS AND CONCLUSION

Regarding the Examiner's objection to the drawings, Applicant notes that the amendments to the claims above render moot the Examiner's objection.

The Abstract has been replaced in a manner believed to be fully responsive to all points raised by the Examiner.

Regarding the Examiner's objection to the specification, Applicant respectfully notes that support for "holding portions" and "holding portions for holding the lead being provided in at least two positions...." may be found on page 3, lines 1-3 of the specification.

In view of the foregoing, Applicant submits that claims 1, 4-8, 13-17, and 19-21, all the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Respectfully Submitted,

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

Claims 2, 3, 9, 11, 12, and 18 have been canceled without prejudice or disclaimer.

The claims have been amended as follows:

1. (Amended) A mechanical pencil, comprising:

a barrel;

a lead feeding mechanism disposed in said barrel to be adapted to tighten and feed a lead; and

[an operating part for causing said lead feeding mechanism to feed the lead; and

holding portions for holding the lead being provided in at least two positions between said lead feeding mechanism and a tip end of said barrel spacedly in the axial direction]

a lead holder disposed between the lead feeding mechanism and a tip end of said barrel, said lead holder having a through hole through which the lead penetrates and having holding portions for holding the lead and a contact portion for contacting an inner peripheral face of the barrel,

said holding portions including a first holding portion at a front portion of the lead holder and a second holding portion at a rear portion of the lead holder so that when a length of the lead becomes shorter than a distance between the lead feeding mechanism and the tip end of said barrel, said first holding portion holds the short lead and said second holding portion holds a next lead tightened by the lead feeding mechanism.

4. (Amended) The mechanical pencil according to claim [2] 1, wherein the lead holder includes a body, and an outside cylinder provided concentrically on an outside of the body,

said outside cylinder being formed with a rib projecting in an outside diameter direction to come into contact with an inner peripheral face of the barrel.

6. (Amended) The mechanical pencil according to claim [2] 1, wherein said lead holder includes a body, said body being formed with at least one blade[, as] comprising at least one

of said holding portions, the at least one blade projecting in an inside diameter direction in a front end part of said body to come into contact with the lead.

7. (Amended) The mechanical pencil according to claim [2] 1, wherein the lead holder includes a body, said body being formed with a rib[, as] comprising at least one of said holding portions, the rib projecting in an inside diameter direction in a rear end part of said body to come into contact with the lead.

10. (Amended) A writing instrument, comprising:

a barrel;

a writing medium feeding mechanism disposed in said barrel to be adapted to tighten and feed a writing medium; and

[an operating part for causing said writing medium feeding mechanism to feed the writing medium; and

holding portions for holding the writing medium being provided in at least two positions between said writing medium feeding mechanism and a tip end of said barrel spacedly in the axial direction]

a writing medium holder disposed between the writing medium feeding mechanism and a tip end of said barrel, said writing medium holder having a through hole through which the writing medium penetrates and having holding portions for holding the writing medium and a contact portion for contacting an inner peripheral face of the barrel,

said holding portions including a first holding portion at a front portion of the writing medium holder and a second holding portion at a rear portion of the writing medium holder so that when a length of the writing medium becomes shorter than a distance between the writing medium and the tip end of said barrel, said first holding portion holds the short writing medium and said second holding portion holds a next writing medium tightened by the writing medium feeding mechanism.

13. (Amended) The writing instrument according to claim [11] 10, wherein the writing medium holder includes a body, and an outside cylinder provided concentrically on an outside of the body,

said outside cylinder being formed with a rib projecting in an outside diameter direction to come into contact with an inner peripheral face of the barrel.

15. (Amended) The writing instrument according to claim [11] 10, wherein said writing medium holder includes a body, said body being formed with at least one blade[, as] comprising at least one of said holding portions, the at least one blade projecting in an inside diameter direction in a front end part of said body to come into contact with the writing medium.

16. (Amended) The writing instrument according to claim [11] 10, wherein the writing medium holder includes a body, said body being formed with a rib[, as] comprising at least one of said holding portions, the rib projecting in an inside diameter direction in a rear end part of said body to come into contact with the writing medium.

19. (Amended) The writing instrument according to claim [11] 10, wherein said holding portions comprise a blade and a rib which come into contact with the lead passing through the through hole.

IN THE ABSTRACT:

The Abstract of Disclosure has been amended and replaced with the attached Replacement Abstract of Disclosure.

[MECHANICAL PENCIL]

ABSTRACT

A mechanical pencil[,] includes a barrel, a lead feeding mechanism disposed in the barrel to tighten and feed a lead, [an operating part for causing the lead feeding mechanism to feed the lead, and holding portions for holding the lead being provided in at least two positions between the lead feeding mechanism and a tip end of the barrel spacedly in the axial direction] and a lead holder disposed between the lead feeding mechanism and a tip end of the barrel. The lead holder includes a through hole through which the lead penetrates, holding portions for holding the lead, and a contact portion for contacting an inner peripheral face of the barrel. The holding portions include a first holding portion at a front portion of the lead holder and a second holding portion at a rear portion of the lead holder. When a length of the lead becomes shorter than a distance between the lead feeding mechanism and the tip end of the barrel, the first holding portion holds the short lead and the second holding portion holds a next lead tightened by the lead feeding mechanism.